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C O N F I D E N T I A L SECTION 01 OF 03 ANKARA 002689

SIPDIS

DEPARTMENT FOR EUR/SE

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TAGS: [PGOV](#) [PREL](#) [PHUM](#) [TU](#) [OSCE](#)

SUBJECT: COE EXPERT: TURKISH PRISONS RUN WITH "LOCK DOWN" MENTALITY

Classified by Polcouns John Kunstadter; reasons 1.4 b and d.

1. (C) Summary: A Council of Europe (COE) prison expert says the design of Turkey's high-security F-type prisons meets European standards, but some practices are draconian. Inmates are allowed very little time outside their cells. There is no evidence of systematic torture, but prison officials put problem inmates in isolation without seeking prison board approval. Moreover, many prisoners in the F-type system are convicted of terrorism although their crimes involve non-violent speech. A draft law will require prisons to establish education and training programs, but no money has been allocated for this purpose. End Summary.

2. (C) We met in April with a COE prison expert conducting a review of Turkey's prisons. Our contact, a UK citizen and former prison director in Britain, is conducting a two-year study scheduled to end in 2006. He has inspected 36 Turkish prisons to date and has made recommendations to the GOT on prison reform. He shared with us his observations on the Turkish penal system.

The Truth About F-Type Prisons

3. (U) The issue of Turkey's high-security F-type prisons is emotionally charged and highly politicized. Until 2000, almost all Turkish prisons utilized a ward system, in which prisoners lived in open wards with 50 to 200 inmates. Prisoners convicted of terrorism and those who shared similar ideological views were often incarcerated together. As a result, terrorist organizations effectively ran the wards, recruiting and intimidating inmates. Prison authorities were reduced to maintaining perimeter security.

4. (U) To address the situation, the Justice Ministry between December 2000 and January 2001 moved hundreds of prisoners charged with terrorism and organized crime into new, small-cell F-type prisons. The F-type design resembles prisons in developed countries and is consistent with recommendations made to Turkey by the COE's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. F-type cells hold 1-4 inmates and the prisons have open-air yards.

5. (C) Human rights organizations and prisoners' groups claim that prison authorities isolate F-type inmates, torture them, and deny them access to water, food, electricity, and toilets. A number of demonstrators have died during hunger strikes protesting the F-type prisons. We cannot completely discount the allegations, but there is no evidence to support them. Moreover, the prisoners' groups are closely linked to terrorist organizations such as the Kurdistan Workers Party (PKK) and Revolutionary People's Liberation Front (DHKP-C). We have occasionally met with representatives of the Association for Solidarity with the Families of the Arrestees and found them to be highly indoctrinated. When pressed, they defend the use of violence against the Turkish State.

6. (C) Our contact told us the F-type prisons are neither as repressive as critics claim nor as progressive as the GOT would have us believe. Physically, they are first rate. But some of the administrative practices are draconian. Most F-type inmates are held in three-person cells. Authorities sharply restrict their access to other prisoners and opportunity to exercise outside the cell. These restrictions do not violate COE standards for terrorist inmates -- the rules provide wide latitude for the treatment of those convicted of terrorism (Note: For example, the European Court of Human Rights has ruled that PKK leader Ocalan's prison conditions as the sole inmate on Imrali Island are legal, though the Court has determined that he did not receive a fair trial. End Note).

7. (C) However, our contact said, in other COE countries terrorist prisoners by definition have been convicted of direct links to terrorist violence. In Turkey, many defendants convicted under the Anti-Terrorism Law were found guilty of non-violent speech deemed sympathetic to terrorist organizations. In some cases, for example, defendants have been convicted of being PKK supporters for advocating education in Kurdish, which the PKK has demanded. These

types of prisoners are incarcerated in F-type prisons under the same conditions as violent militants. As part of the EU reform process, the GOT has revised the definition of terrorism in the Law to require a direct link to violence, but most of the country's 3,500 F-type inmates were convicted before the amendments.

18. (C) Regulations allow F-type inmates to meet in groups of 10 for up to five hours a week. Our contact said that in practice, however, this is not being implemented due to a stand-off between administrators and inmates. Administrators refuse to allow inmates to socialize in larger groups outside their cells unless they participate in communal work programs. F-type inmates have been boycotting the work programs, arguing that they are willing to attend educational programs or trade courses, but refuse to provide the State with unskilled labor.

19. (C) Our contact said the two sides remain at a standstill because the prison system lacks legitimate rehabilitation programs. Instead, it offers only work programs in which inmates produce shoes and other goods. Our contact advised the GOT during the drafting of the new Execution of Punishments Law, expected to be made effective in June. The new law requires prisons to establish programs teaching inmates a trade or occupation that would enable them to earn a living after their release. However, our contact notes that Parliament has not designated any resources to pay for such programs, and he does not expect these provisions to be implemented in the near future.

10. (C) Our contact said he suspects that guards in F-type prisons occasionally beat problem inmates, but he has seen no indication of systematic torture. Instead, he has noticed an extreme "lock down" mentality among prison administrators. F-type inmates spend very little time outside their cells, where they even eat their meals. He said he has made little headway in efforts to encourage Turkish prison authorities to allow more inmate activity. Now that Turkey has abandoned the out-of-control ward system, authorities are reluctant to loosen the reins on inmates. Our contact said he took a group of Turkish prison administrators to the UK, where they were shocked to see inmates in a high-security prison participating in activities in groups of up to 50.

11. (C) F-type prison authorities often punish problem inmates by moving them to single-occupant cells for extended periods. Our contact said this type of isolation does not violate COE regulations, as long as a prison board authorizes each punishment. But Turkish authorities appear to be meting out such punishments without seeking board approval.

Jandarma Not Trained for Prison Work

12. (C) Our contact proposed a number of other amendments to the law that the GOT declined. He recommended that the Jandarma be relieved of their role in prison security in favor of prison guards. Currently, Jandarma, paramilitary forces under joint military and Interior Ministry control, provide perimeter security for prisons. They also search prison cells and transport prisoners to court and between prisons. The problem, our contact said, is that Jandarma officers are generally 18-21 years old and poorly trained. They are armed and organized as soldiers and what training they do have is not relevant for dealing with inmates. If a problem arises during a cell search, Jandarma often "tear the place apart," and then leave the prison staff to pick up the pieces.

13. (C) GOT officials have flatly told our contact they do not trust the prison guards and prefer to rely on Jandarma. He agrees the guards are corrupt, but argues that the solution is to develop a more professional guard force. The GOT has begun steps in this direction, opening Turkey's first prison guard academy in Ankara two years ago, followed by a second in Istanbul one year ago. A third is scheduled to open shortly in Erzurum. Before the opening of the Ankara academy, our contact said, guards received no training whatsoever, "They literally just handed you a baton and said, 'Go to work.'"

Prison Doctors Lack Independence

14. (C) The GOT also rejected our contact's proposal to place prison doctors under Health Ministry authority. Prison doctors are currently attached to the Justice Ministry, which also runs the prison system. As a result, our contact said, doctors have told him they are not willing to challenge prison administrators on health issues for fear that it could harm their careers. He said he was successful in convincing the GOT to amend the law so that it will require inmates to be examined by a doctor upon entry into prison.

¶15. (C) The draft Execution of Punishments Law will require the establishment of psychiatric wards. Our contact said that while this is positive in theory, he is skeptical about how it will be implemented. If these wards are not properly staffed and administered, they could create an opportunity for abuse. Prison administrators could label problem inmates "crazy," have the psychiatric ward rubber stamp their declaration, and keep the inmates in isolation.

Comment

¶16. (C) Our contact's observations provide a rare glimpse into the Turkish prison system. Consular officers visit Amcit prisoners, but Americans, like other foreigners, are consolidated into a few select facilities. On rare occasions, the GOT takes other diplomats on staged tours of high-security prisons. Our contact said Justice Ministry officials started off taking him to "show prisons." But he has insisted on visiting a different prison each time, and he is now starting to learn what conditions are like for the vast majority of inmates.

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